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8 Attorneys for Defendant

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 ECOLOGICAL RIGHTS FOUNDATION,) CASE NO. 20-CV-6898 -SI
13 Plaintiff,)
14 v.) **STIPULATION AND ~~PROPOSED~~ ORDER (1)**
15 ENVIRONMENTAL PROTECTION) **EXTENDING DEFENDANT'S TIME TO**
16 AGENCY,) **RESPOND TO THE COMPLAINT AND (2)**
17 Defendant.) **CONTINUING THE CASE MANAGEMENT**
) **CONFERENCE**

STIPULATION

Pursuant to Local Civil Rule 6-2, the parties, through the undersigned counsel, submit the following stipulation and request to extend the government's time to answer or otherwise respond to the Complaint, from February 19, 2021 to April 20, 2021 and to continue the initial case management conference scheduled for April 9, 2021 at 2:30 p.m. and all associated deadlines.

WHEREAS, Plaintiff, Ecological Rights Foundation filed its Freedom of Information Act ("FOIA") Complaint on October 2, 2020;

WHEREAS, the Court previously granted an extension of time so that the government could make its final production of records on November 16, 2020 and adjourned the government's time to answer or otherwise respond to the Complaint from November 19, 2020 to December 21, 2020. ECF No. 12. On December 16, 2020, the Court granted a second adjournment of the government's time to respond to the Complaint from December 21, 2020 to February 19, 2021 of time. ECF No. 16.

WHEREAS, Defendant's response to the Complaint is currently due February 19, 2021;

WHEREAS, the Environmental Protection Agency ("EPA") made productions responsive to Plaintiff's FOIA request on or about May 20, 2020, August 29, 2020, October 6, 2020, and November 16, 2020 with certain redactions;

WHEREAS, on February 4, 2021, the Department of Justice, Environmental and Natural Resources Division issued a Memorandum which *inter alia*, withdrew the August 21, 2019 Memorandum titled "Using Supplemental Environmental Projects ("SEPs") in Settlements with State and Local Governments."

WHEREAS, the August 21, 2019 Memorandum is the subject of Plaintiff's underlying FOIA request. To that end, the parties have agreed to continue discussions regarding how they might resolve this matter without the need for further judicial intervention. As such, the parties request an extension of the government's time to answer or otherwise respond to the Complaint and continuation of the initial case management conference and associated deadlines so that the parties may have sufficient time to attempt to resolve this matter or in the alternative, to narrow or resolve any disputes associated with the government's production;

WHEREAS, the requested extension is not expected to have any adverse impact on the schedule

1 for the case;

2 It is hereby stipulated by and between the parties, through the undersigned counsel, that (1) the
3 government's time to answer or otherwise respond to the Complaint is extended to April 20, 2021 and (2)
4 the initial case management conference is continued from April 9, 2021 to June 8, 2021 at 2:30 p.m. along
5 with the associated deadlines.

6 IT IS SO STIPULATED.

8 DATED: February 17, 2021

Respectfully submitted,

9 DAVID L. ANDERSON
10 United States Attorney

11 /s/ Valerie E. Smith
12 VALERIE E. SMITH
13 Assistant United States Attorney
Attorney for Defendant

14 DATED: February 17, 2021

ECOLOGICAL RIGHTS FOUNDATION

15 By: /s/ Stuart Wilcox*
16 STUART N. WILCOX


17 Attorneys for Plaintiffs

18 **In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests that each signatory has
19 concurred in the filing of this document.*

21 **[PROPOSED] ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Stipulation has been amended to
23 correct the hearing date for the Initial Case Management Conference.

24 Dated: February 18, 2021

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26 THE HONORABLE SUSAN ILLSTON
27 United States District Judge
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